

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

LENELDON GALLOWAY

PLAINTIFF

VS.

CAUSE NO.: 3:07CV537 TSL-JCS

EOG RESOURCES, INC.

DEFENDANT

ORDER

This matter is before the court pursuant to Defendant, EOG Resources, Inc.'s Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and, the Court, having considered the motion, supporting memorandum brief, and response filed by the Plaintiff, finds that the motion is well-taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that:

1. In the matter styled *Leneldon Galloway v. Stinger Wellhead Protection, Inc.*, bearing cause no. 3:05CV601TSL-AGN, this Court granted summary judgment to the Defendant, Stinger Wellhead Protection, Inc., stating that the Plaintiff was judicially estopped from pursuing his claims due to his failure to disclose and/or concealing his claims from the Bankruptcy Court in his pending bankruptcy case. *See Galloway v. Stinger*, 446 F.Supp.2d 655, 657 (S.D. Miss. 2006).

2. In the instant litigation, the Defendant, EOG Resources, Inc., filed its Motion to Dismiss stating that this Court's prior holding in *Galloway v. Stinger*, 446 F. Supp. 2d 665 (S.D. Miss. 2006), is preclusive on the issue of judicial estoppel in this case and that pursuant to the doctrine of collateral estoppel, the Plaintiff, Leneldon Galloway's claims against Defendant, EOG Resources, Inc., should likewise be dismissed, with prejudice.

3. Plaintiff filed a responses to the Motion to Dismiss stating that he is unable to refute the

Court's ruling in *Galloway v. Stinger*, 446 F. Supp. 2d 665 (S.D. Miss. 2006).

4. That the Defendant, EOG Resources, Inc.'s Motion to Dismiss is hereby granted, and that Plaintiff's claims against Defendant, EOG Resources, Inc., are hereby dismissed, with prejudice, with each party to bear its own costs.

SO ORDERED AND ADJUDGED, this the 22nd day of January, 2008.

/s/Tom S. Lee

UNITED STATES DISTRICT COURT JUDGE

PREPARED BY:

s/ William B. Stewart, Esq.

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